

Message Text

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PAGE 01 ISLAMA 03238 01 OF 02 211023 Z

12

ACTION NEA-12

INFO OCT-01 EUR-25 IO-12 ADP-00 CIAE-00 DODE-00 NSAE-00

NSCE-00 SSO-00 USIE-00 CCO-00 INRE-00 PM-09 H-02

INR-10 L-03 NSC-10 PA-03 RSC-01 PRS-01 SS-15 AID-20

DPW-01 SR-02 ORM-03 RSR-01 /131 W
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O R 210805 Z APR 73

FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC IMMEDIATE 8894

INFO AMEMBASSY COLOMBO

AMEMBASSY DACCA NIACT IMMEDIATE

AMEMBASSY KABUL

AMEMBASSY KATHMANDU

AMEMBASSY LONDON

AMEMBASSY NEW DELHI NIACT IMMEDIATE

AMEMBASSY TEHRAN

US MISSION USUN NEW YORK 1113

UNCLAS SECTION 1 OF 2 ISLAMABAD 3238

E. O. 11652 N/ A

TAGS: PFOR, PK, IN, BG

SUB: PAKISTAN' S REPLY TO INDO- BANGLADESH DECLARATION

REF: ISLAMABAD 3237

1. FOLLOWING IS TEXT OF STATEMENT ISSUED BY GOP
AFTERNOON APRIL 20 IN REPLY TO INDO- BANGLADESH JOINT
DECLARATION OF APRIL 17 (NEW DELHI 4508).

2. QUOTE. THE GOVERNMENT OF PAKISTAN HAS CAREFULLY
CONSIDERED THE STATEMENT ISSUED IN DELHI ON APRIL 17.
WHILE THE STATEMENT PURPORTS TO BE INSPIRED BY THE
VISION OF A DURABLE PEACE IN THE SUB- CONTINENT, THE
GOVERNMENT OF PAKISTAN NOTES WITH REGRET THAT IT
CONTAINS SEVERAL ALLEGATIONS WHICH ARE BOTH UNFOUNDED
AND UNFAIR. NOT WISHING TO ENTER INTO POLEMICS
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PAGE 02 ISLAMA 03238 01 OF 02 211023 Z

OVER THESE ISSUES AND THUS TO PROLONG A CHAIN OF CHARGE AND COUNTER- CHARGE, PAKISTAN DEEMS IT SUFFICIENT TO REITERATE ITS RESOLVE TO ADHERE TO THE LETTER, AND FULFILL THE SPIRIT, OF THE SIMLA AGREEMENT WITH A VIEW TO THE REDUCTION OF TENSIONS, THE SETTLEMENT OF DISPUTES AND THE BUILDING OF INTERNATIONAL RELATIONS IN THE SUB- CONTINENT ON THE FOUNDATIONS OF JUSTICE AND EQUITY. THE MANY OFFERS, ACTS AND INITIATIVES OF THE GOVERNMENT OF

PAKISTAN TOWARDS THIS END HARDLY NEED TO BE RECALLED.

IT IS A FACT BEYOND QUESTION THAT THE NORMALISATION OF THE SITUATION IN THE SUB- CONTINENT HAS BEEN OBSTRUCTED BY INDIA'S CONTINUING TO HOLD IN ILLEGAL CAPTIVITY OVER 90,000 PAKISTANI PRISONERS OF WAR AND CIVILIAN INTERNEES DESPITE THE CESSATION OF HOSTILITIES 16 MONTHS AGO. THE GENEVA CONVENTION OF 1949 ABOUT THE TREATMENT OF PRISONERS OF WAR, TO WHICH INDIA IS A SIGNATORY, MAKES IT THE OBLIGATION OF THE DETAINING POWER TO RELEASE AND REPATRIATE PRISONERS OF WAR " WITHOUT DELAY AFTER CESSATION OF HOSTILITIES." THE OBLIGATION IS UNILATERAL AND UNCONDITIONAL. THE PRINCIPLE INVOLVED IS BASIC TO INTERNATIONAL LAW AND ANY COMPROMISE WITH IT, OPEN OR DISGUISED, CAN SET A CALAMITOUS PRECEDENT. APART FROM HUMANITARIAN CONSIDERATIONS, IT WILL NULLIFY ALL OBLIGATIONS UNDER THE GENEVA CONVENTION, WHICH CIVILISED NATIONS HAVE LABOURED FOR OVER A CENTURY TO EVOLVE AND TO MAKE BINDING ON ALL STATES. THE GOVERNMENT OF PAKISTAN NOTES WITH CONCERN THAT THE " INITIATIVE" EMBODIED IN THE STATEMENT ISSUED IN DELHI INVITES PAKISTAN TO COMPROMISE THE PRINCIPLE BY AGREEING TO, OR ACQUIESCING IN, CONDITIONS WHICH ARE IRRELEVANT AND UNRELATED TO THE REPATRIATION OF THE PRISONERS OF WAR.

THE GOVERNMENT OF PAKISTAN CANNOT RECOGNISE THE COMPETENCE OF THE AUTHORITIES IN DACCA TO BRING TO TRIAL ANY AMONG THE PRISONERS OF WAR ON CRIMINAL CHARGES. ACCORDING TO AN ESTABLISHED PRINCIPLE OF INTERNATIONAL LAW ONLY A COMPETENT TRIBUNAL OF

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PAGE 03 ISLAMA 03238 01 OF 02 211023 Z

PAKISTAN CAN HAVE JURISDICTION IN THIS MATTER SINCE

THE ALLEGED CRIMINAL ACTS WERE COMMITTED IN A PART OF PAKISTAN AND SINCE ALSO THE PERSONS CHARGED ARE THE CITIZENS OF PAKISTAN. IT WOULD BE REPUGNANT TO A NATION'S SOVEREIGNTY TO SURRENDER ITS EXCLUSIVE JURISDICTION IN THIS REGARD. THE GOVERNMENT OF PAKISTAN REITERATES ITS READINESS TO CONSTITUTE A JUDICIAL TRIBUNAL, OF SUCH CHARACTER AND COMPOSITION AS WILL INSPIRE INTERNATIONAL CONFIDENCE, TO TRY PERSONS CHARGED WITH THE ALLEGED OFFENCES.

APART FROM THESE INESCAPABLE CONSIDERATIONS OF BOTH SOVEREIGNTY AND JUSTICE, THE GOVERNMENT OF PAKISTAN IS GRAVELY APPREHENSIVE THAT IF THE AUTHORITIES IN DACCA BEGIN TO HOLD THESE TRIALS, IT WILL POISON THE ATMOSPHERE AND SERIOUSLY RETARD THE ESTABLISHMENT OF THAT CLIMATE OF PEACE AND RECONCILIATION WHICH IS A DIRE NECESSITY FOR THE WELFARE OF THE PEOPLES OF THE SUB-CONTINENT.

ON ITS PART, THE GOVERNMENT OF PAKISTAN, IN ITS DESIRE TO PUT AN END TO A CHAPTER OF TRAGIC CONFLICT, HAS EXERCISED MAXIMUM RESTRAINT EVEN TO THE EXTENT OF REFRAINING FROM EXERCISING ITS RIGHTFUL JURISDICTION AND BRINGING TO TRIAL THOSE BENGALIS IN PAKISTAN AGAINST WHOM THERE IS EVIDENCE OF THE COMMISSION OF SUCH ACTS AS SUBVERSION, ESPIONAGE AND HIGH TREASON. THE TERMS OF THE DELHI STATEMENT WOULD MAKE IT IMPOSSIBLE FOR THIS RESTRAINT TO CONTINUE.

THE GOVERNMENT OF PAKISTAN IS PREPARED TO FULLY COOPERATE WITH ARRANGEMENTS FOR ALL BENGALIS TO LEAVE PAKISTAN IF THEY SO WISH. INDEED, THE GOVERNMENT OF PAKISTAN HAS ALWAYS SOUGHT A HUMANITARIAN SOLUTION OF THE PROBLEM AND HAS TAKEN SEVERAL STEPS CONSISTENT WITH THAT AIM.

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PAGE 01 ISLAMA 03238 02 OF 02 211020 Z

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UNCLAS SECTION 2 OF 2 ISLAMABAD 3238

AS REGARDS " PAKISTANIS IN BANGLADESH", THE PRO-
POSITION CONTAINED IN PARAGRAPH 5 OF THE DELHI
STATEMENT IS EXTRAORDINARY, ADVANCING THE UNIQUE
DOCTRINE THAT AN ETHNIC, LINGUISTIC OR POLITICAL
MINORITY CAN BE PERSECUTED, OFFERED AN " OPTION"
UNDER PAIN OF LOSS OF JOBS, PROPERTY OR EVEN LIFE
AND ARBITRARILY EXPELLED FROM ITS PLACE OF DOMICILE
CREATING AN OBLIGATION FOR PAKISTAN TO RECEIVE ITS
MEMBERS. THE GOVERNMENT OF PAKISTAN IS ACUTELS
DISTRESSED AT THE TRAGIC SUFFERING OF THE VICTIMS

OF THIS PREJUDICE AND BIGOTRY, AND URGES THE INTER-
NATIONAL COMMUNITY TO PERSUADE THE AUTHORITIES IN
DACCA TO PROTECT THE BASIC HUMAN RIGHTS TO WHICH
THESE UNFORTUNATE PEOPLE ARE ENTITLED. THE SOLUTION
OF THE HUMANITARIAN PROBLEM WHICH MAY STILL ARISE
SHOULD BE A CONCERN OF HUMANITY. THE GOVERNMENT OF
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PAGE 02 ISLAMA 03238 02 OF 02 211020 Z

PAKISTAN IS WILLING TO FULLY PARTICIPATE IN THE
EFFORT OF ALLEVIATING THIS HUMAN PLIGHT.

NOTWITHSTANDING THESE DIFFICULTIES INHERENT IN
THE TERMS OF THE DELHI STATEMENT, THE GOVERNMENT
OF PAKISTAN FEELS THAT IT CONSTITUTES A RESPONSE
TO PAKISTAN' S URGINGS FOR FURTHER DIALOGUE BETWEEN
PAKISTAN AND INDIA. FOR OBTAINING THE NECESSARY
CLARIFICATIONS OF THE IMPLICATIONS OF THE STATE-
MENT, AND IN THE SPIRIT OF PROMOTING AN ADVANCE
TOWARDS PEACE, THE GOVERNMENT OF PAKISTAN HAS DECIDED

TO INVITE REPRESENTATIVES OF THE GOVERNMENT OF INDIA
TO ISLAMABAD FOR DISCUSSIONS AND ALSO TO EXPLORE
FURTHER POSSIBILITIES FOR THE IMPLEMENTATION OF THE
SIMLA AGREEMENT. THE PROCESS OF THE NORMALIZATION
OF THE SITUATION IN THE SUB- CONTINENT WOULD BE

ACCELERATED BY INDIA' S PROMPTLY FULFILLING ITS UN-
CONDITIONAL OBLIGATIONS UNDER THE GENEVA CONVENTION.
UNQUOTE.
SANDERHOFF

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